

## Department of Planning and Budget 2010 Fiscal Impact Statement

**1. Bill Number:** HB164

House of Origin	<u>  X  </u>	Introduced	<u>      </u>	Substitute	<u>      </u>	Engrossed
Second House	<u>      </u>	In Committee	<u>      </u>	Substitute	<u>      </u>	Enrolled

**2. Patron:** Pogge, B.

**3. Committee:** House Courts of Justice

**4. Title:** GPS Monitoring for Protective Orders

**5. Summary:** Authorizes a judicial officer to require that a protective order respondent be subject to GPS monitoring.

**6. Fiscal Impact Estimates:** Indeterminate (see Item 8)

**7. Budget Amendment Necessary:** No

**8. Fiscal Implications:**

While this bill specifically authorizes a court to require, as a condition of a protective order, that a GPS or similar device be used to electronically monitor the respondent to the order, the bill does not indicate either who will bear the financial responsibility for obtaining the device or who will be responsible for monitoring the respondent.

If the financial responsibility for obtaining the device rests solely with the respondent, then the anticipated fiscal impact on the court will be minimal. According to the Supreme Court of Virginia (SCV), wide-spread use of these devices could result in additional proceedings alleging violation of the conditions of a protective order; however, it is anticipated any increase in court case load stemming from additional hearings could be absorbed with current court resources.

However, in the absence of a provision specifying that the responsibility for bearing the cost of such GPS device is to be borne by the respondent, if the court system is to be charged with or expected to provide these devices for all respondents and to be involved in the monitoring, then there could be a significant fiscal impact to the court system, specifically the Criminal Fund. Historically, there are in excess of 75,000 protective orders issued each year in the Commonwealth.

There are several companies around that offer lease/purchase options of the GPS devices that also include monitoring service. One such company, GPS Monitoring Solutions, provides the potential victim with a designated cell phone while the offender wears a small ankle bracelet. The offender would also be provided a company issued cell phone. This system allows the judicial officer to establish a “mobile” exclusion zone. The exclusion zone would be attached to both devices, his and hers.

The victim would receive instant notification of an exclusion zone violation via text message, followed up by a phone call from the monitoring service. The offender would have the ability to verify his/her whereabouts if accused of violating the restraining order. The cost of the victim notification service is \$4 per day, per device for the potential victim and \$6 per day, per device for the alleged offender. These fees (a total of \$10 per day) include lease of devices and monitoring. Billing would occur every 30 days, on the last day of the month for active devices. The company normally charges a \$100 setup charge for each device, but are willing to forgo those charges for a state contract.

Once a device and monitoring service is selected, responsibility for receiving, reviewing and maintaining the reports generated by the monitoring service would have to be assigned to law enforcement personnel. If this responsibility is given to local governments, presumably there would be an expense to local law enforcement entities.

**9. Specific Agency or Political Subdivisions Affected:** Corrections, local law enforcement, Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Consideration could be given to clarifying who is responsible for the costs of the GPS monitoring device.

**Date:** 1/26/2010

**Document:** G:\2010 FIS\HB164.Doc Reginald Thompson

cc: